

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 100.35, the State Fire Marshal in the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 205, “Fire Safety Requirements for Hospitals and Health Care Facilities,” Iowa Administrative Code.

The State Fire Marshal in the Department of Public Safety is authorized to adopt administrative rules pursuant to Iowa Code section 100.35. The proposed amendments adopt the 2012 edition of NFPA 101: Life Safety Code, referred to as the “2012 Life Safety Code.” The 2012 Life Safety Code was adopted by the Centers for Medicare and Medicaid Services and became effective July 5, 2016. The 2012 Life Safety Code reflects current safety standards and requirements for hospitals, nursing facilities, hospices, intermediate care facilities for persons with intellectual disabilities or mental illness, ambulatory care facilities, and religious nonmedical facilities. Adopting the 2012 Life Safety Code will promote safety for vulnerable persons.

Any person may comment on the amendments by e-mail at admrule@dps.state.ia.us or by mail to Rules Coordinator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa, 50319. Comments must be received by 4:30 p.m. on November 14, 2017.

A public hearing on the amendments will be held on November 14, 2017, at 10 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing.

The fiscal impact for the adoption of the 2012 Life Safety Code is expected to be minimal, and less than \$100,000.

Pursuant to the provisions of rule 661—10.222(17A), the State Fire Marshal does not have authority to waive requirements established by statute. Pursuant to the provisions of rules 661—200.2(100) and 661—10.222(17A), the State Fire Marshal has the authority to grant waivers from the rules.

It is expected that there will be no impact on jobs. The adoption of the 2012 Life Safety Code will help to better protect vulnerable populations and persons who work in the facilities listed above.

These amendments are intended to implement Iowa Code section 100.35.

The following amendments are proposed.

ITEM 1. Amend rule 661—205.1(100) as follows:

661—205.1(100) Definitions. The following definitions apply to rules 661—205.1(100) through 661—205.25(100).

“*Ambulatory health care facility*” means a facility or portion thereof used to provide services or treatment that provides, on an outpatient basis, treatment for one or more patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others; or provides, on an outpatient basis, anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others.

“*Existing*” means that a facility (1) has been in continuous operation under its current classification of occupancy since before ~~September 11, 2003~~ July 5, 2016, and has not undergone renovation or remodeling, including an addition, on or after ~~September 11, 2003~~ July 5, 2016, or (2) received plan approval for initial construction or for its most recent renovation or remodeling project, including an addition, if any, from the building code bureau of the fire marshal division prior to ~~March 11, 2003~~ July 5, 2016.

“*Hospice*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

“*Hospital*” means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

“*Intermediate care facility for the mentally retarded*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.2(3)“c.”

“*New*” means that a facility (1) commenced continuous operation under its current classification of occupancy on or after ~~September 11, 2003~~ July 5, 2016, (2) has undergone renovation or remodeling, including an addition, on or after ~~September 11, 2003~~ July 5, 2016, or (3) received plan approval from the building code bureau of the fire marshal division for the initial construction of the facility or the most recent renovation of or addition to the facility on or after ~~March 11, 2003~~ July 5, 2016.

“*NFPA*” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“*Nursing facility*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6, including a nursing facility for intermediate care or a nursing facility for skilled care.

ITEM 2. Amend rule 661—205.5(100) as follows:

661—205.5(100) Hospitals.

205.5(1) *New hospitals.* NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new hospitals.

205.5(2) *Existing hospitals.* NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing hospitals, ~~with the following amendments:~~

~~Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.~~

~~Section 19.2.9 is not effective prior to March 13, 2006.~~

205.5(3) *Alcohol-based hand rub dispensers.* Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a hospital may install alcohol-based hand rub dispensers in its facility if:

a.—Use of alcohol-based hand rub dispensers does not conflict with a local code that prohibits or otherwise restricts the placement of alcohol-based hand rub dispensers in health care facilities;

b.—The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;

c.—The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and

d.—The dispensers are installed in accordance with Section 18.3.2.7 or Section 19.3.2.7 of the 2000 edition of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00-1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004.

ITEM 3. Amend rule 661—205.10(100) as follows:

661—205.10(100) Nursing facilities and hospices.

205.10(1) *New nursing facilities and hospices.* NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new nursing facilities and hospices that provide inpatient care directly.

205.10(2) *Existing nursing facilities and hospices.* NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing nursing facilities and hospices that provide inpatient care directly, ~~with the following amendments:~~

~~Section 19.2.9 is not effective prior to March 13, 2006.~~

~~Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.~~

205.10(3) *Alcohol-based hand rub dispensers.* Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a hospice or nursing facility may place alcohol-based hand rub dispensers in its facility if:

a.—Use of alcohol-based hand rub dispensers does not conflict with a local code that prohibits or otherwise restricts the placement of alcohol-based hand rub dispensers in health care facilities;

b.—The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;

c.—The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and

d.—The dispensers are installed in accordance with Section 18.3.2.7 or Section 19.3.2.7 of the 2000 edition of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00-1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004.

205.10(4) Smoke detectors in nursing facilities. A nursing facility shall:

a.—Install battery-operated smoke detectors in resident sleeping rooms and public areas by May 24, 2006.

b.—Have a program for testing, maintenance, and battery replacement to ensure the reliability of the smoke detectors.

EXCEPTION: Battery-operated smoke detectors are not required in each resident sleeping room and public area if either the facility has a hard-wired AC smoke detection system in patient rooms and public areas that is installed, tested, and maintained in accordance with NFPA 72, National Fire Alarm Code, for hard-wired AC systems, or the facility has a sprinkler system throughout that is installed, tested, and maintained in accordance with NFPA 13, Automatic Sprinklers.

ITEM 4. Amend rule 661—205.15(100) as follows:

661—205.15(100) Intermediate care facilities for the mentally retarded persons with intellectual disabilities and intermediate care facilities for persons with mental illness.

205.15(1) New intermediate care facilities. New intermediate care facilities for the mentally retarded persons with intellectual disabilities and new intermediate care facilities for persons with mental illness shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 18.

b. NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 32, with the following amendments:

NOTE: Any requirement contained within Chapter 32 that is based on a rating of evacuation capability shall be based upon an evacuation capability rating of “impractical.” Any provision which is dependent upon an evacuation capability rating other than “impractical” shall be unavailable.

(1) Delete Section 32.2.1.2.1 and insert in lieu thereof the following new section:

32.2.1.2.1

Small facilities shall comply with the requirements of Section 32.2 as indicated for an evacuation capability of impractical.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(2) Delete Section 32.2.1.2.2 and insert in lieu thereof the following new section:

32.2.1.2.2

The evacuation capability shall be classified as impractical.

(3) Delete Exception No. 1 to Section 32.2.2.1.

(4) Delete Exceptions No. 2 and No. 3 to Section 32.2.2.4.

(5) Delete the Exception to Section 32.2.3.3.2.

(6) Delete Exception No. 1 to Section 32.2.3.5.1.

(7) Delete Exceptions No. 1, No. 3 and No. 4 to Section 32.2.3.5.2.

(8) Delete Exception No. 2 to Section 32.2.3.5.2 and insert in lieu thereof the following new Exception No. 2:

EXCEPTION NO. 2: An automatic sprinkler system in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, with a 30-minute water supply, shall be permitted. All habitable areas and closets shall be sprinklered. Facilities with more than eight residents shall be treated as two-family dwellings with regard to water supply.

(9) Delete Exception No. 5 to Section 32.2.3.5.2 and insert in lieu thereof the following new Exception No. 5:

EXCEPTION NO. 5: In facilities up to and including four stories in height, systems in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, shall be permitted. All habitable areas and closets shall be sprinklered.

~~(10) Delete Section 32.2.3.5.3.~~

~~(11) Delete Section 32.2.3.5.4 and insert in lieu thereof the following new section:
32.2.3.5.4~~

~~Automatic sprinkler systems shall be supervised in accordance with Section 9.7.~~

~~(12) Delete Exception No. 1 to Section 32.2.3.6.1.~~

~~(13) Delete Section 32.3.1.2.1.~~

~~(14) Delete Section 32.3.1.2.2 and insert in lieu thereof the following new section:
32.3.1.2.2~~

~~Large facilities shall meet the requirements for limited care facilities in Chapter 18.~~

~~Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.~~

~~(15) Delete Section 32.3.1.2.3.~~

~~(16) Delete the Exception to Section 32.3.1.3.3, paragraph (a).~~

~~(17) Delete Section 32.4.1.4 and insert in lieu thereof the following new section:
32.4.1.4 Minimum Construction Requirements.~~

~~In addition to the requirements of Chapter 30, apartment buildings housing residential board and care facilities shall meet the construction requirements of 18.1.6. In applying the construction requirements, the height shall be determined by the height of the residential board and care facility measured above the primary level of exit discharge.~~

~~EXCEPTION: If the new board and care occupancy is created in an existing apartment building, the construction requirements of 19.1.6 shall apply.~~

~~(18) Delete Exception No. 2 to Section 32.7.3 and insert in lieu thereof the following new Exception No. 2:~~

~~EXCEPTION NO. 2: Those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill. Section 18.7 shall apply in such instances.~~

205.15(2) Existing intermediate care facilities. Existing intermediate care facilities for ~~the mentally retarded persons with intellectual disabilities~~ and existing intermediate care facilities for persons with mental illness shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 19.

b. NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 33, ~~with the following amendments:~~

NOTE: Any requirement contained in Chapter 33 that is determined on a rating of evacuation capability shall be based upon an evacuation capability rating of "impractical." Any provision which depends upon an evacuation rating of "prompt" or "slow" shall be unavailable.

~~(1) Delete Section 33.1.7.~~

~~(2) Delete Section 33.2.1.2.1 and insert in lieu thereof the following new section:
33.2.1.2.1~~

~~Small facilities shall comply with the requirements of Section 33.2.~~

~~Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.~~

~~(3) Delete Section 33.2.1.2.2 and insert in lieu thereof the following new section:
33.2.1.2.2~~

~~The evacuation capability shall be classified as impractical.~~

~~(4) Delete Section 33.2.1.3 and insert in lieu thereof the following new section:
33.2.1.3 Minimum Construction Requirements.~~

~~Buildings shall be of any construction type in accordance with 8.2.1 other than Type II(000), Type III(200), or Type V(000) construction.~~

~~EXCEPTION: Buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 33.2.3.5 shall be permitted to be of any type of construction.~~

~~(5) Delete Exception No. 1 to Section 33.2.2.1.~~

~~(6) Delete Section 33.2.2.2 and insert in lieu thereof the following new section:
33.2.2.2~~

The primary means of escape for each sleeping room shall not be exposed to living areas and kitchens.
EXCEPTION: Buildings equipped with quick-response or residential sprinklers throughout. Standard response sprinklers shall be permitted for use in hazardous areas in accordance with 33.2.3.2.

(7) Delete Exception No. 2, Exception No. 3, and Exception No. 4 to Section 33.2.2.4.

(8) Delete the Exception to Section 33.2.3.3.

(9) Delete Section 33.2.3.5.2 and insert in lieu thereof the following new section:

33.2.3.5.2*

Where an automatic sprinkler system is installed, for either total or partial building coverage, the system shall be in accordance with Section 9.7 and shall activate the fire alarm system in accordance with 33.2.3.4.1. The adequacy of the water supply shall be documented to the authority having jurisdiction.

EXCEPTION NO. 1: An automatic sprinkler system in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, with a 30-minute water supply, shall be permitted. All habitable areas and closets shall be sprinklered. Automatic sprinklers shall not be required in bathrooms not exceeding 55 ft² (5.1 m²), provided that such spaces are finished with lath and plaster or materials providing a 15-minute thermal barrier.

EXCEPTION NO. 2: In facilities up to and including four stories in height, systems installed in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, shall be permitted. All habitable areas and closets shall be sprinklered. Automatic sprinklers shall not be required in bathrooms not exceeding 55 ft² (5.1 m²), provided that such spaces are finished with lath and plaster or materials providing a 15-minute thermal barrier.

EXCEPTION NO. 3: Initiation of the fire alarm system shall not be required for existing installations in accordance with 33.2.3.5.5.

(10) Delete Section 33.2.3.5.3 and insert in lieu thereof the following new section:

33.2.3.5.3

All facilities shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 33.2.3.5.2.

(11) Delete Exception No. 1 and Exception No. 4 to Section 33.2.3.6.1.

(12) Delete Section 33.3.1.1 and insert in lieu thereof the following new section:

33.3.1.1 Scope.

Section 33.3 applies to residential board and care occupancies providing sleeping accommodations for more than 16 residents. Facilities having sleeping accommodations for not more than 16 residents shall be evaluated in accordance with Section 33.2.

(13) Delete Section 33.3.1.2 and insert in lieu thereof the following new section:

33.3.1.2 Requirements.

Large facilities shall meet the requirements for limited-care facilities in Chapter 19.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(14) Delete the Exception to Section 33.3.1.3.3, paragraph (a).

(15) Delete Exception No. 2 to Section 33.3.3.6.1.

(16) Delete Exception No. 2 to Section 33.3.3.6.3.

(17) Delete Section 33.4.1.3 and insert in lieu thereof the following new section:

33.4.1.3 Requirements.

33.4.1.3.1

Apartment buildings housing board and care facilities shall comply with the requirements of Section 33.4.

Exception*: Facilities where the authority having jurisdiction has determined that equivalent safety for housing a residential board and care facility is provided in accordance with Section 1.5.

33.4.1.3.2

All facilities shall meet the requirements of Chapter 31 and the additional requirements of Section 33.4.

(18) Delete Section 33.4.1.4 and insert in lieu thereof the following new section:

33.4.1.4 Minimum Construction Requirements.

In addition to the requirements of Chapter 31, apartment buildings housing residential board and care facilities shall meet the construction requirements of 19.1.6. In applying the construction requirements, the height shall be determined by the height of the residential board and care facility measured above the primary level of exit discharge.

(19) Delete Exception No. 2 to Section 33.7.3 and insert in lieu thereof the following new exception:

EXCEPTION NO. 2: Those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill. Section 19.7 shall apply in such instances.

~~205.15(3) Alcohol-based hand rub dispensers.~~ Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a facility may install alcohol-based hand rub dispensers if:

~~a.—Use of alcohol-based hand rub dispensers does not conflict with a local code that prohibits or otherwise restricts the placement of alcohol-based hand rub dispensers in health care facilities;~~

~~b.—The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;~~

~~c.—The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and~~

~~d.—The dispensers are installed in accordance with Section 18.3.2.7 or Section 19.3.2.7 of the 2000 edition of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00-1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004.~~

ITEM 5. Amend rule 661—205.20(100) as follows:

661—205.20(100) Ambulatory health care facilities.

205.20(1) New ambulatory health care facilities. NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 20, is adopted by reference as the fire safety rules for new ambulatory health care facilities.

205.20(2) Existing ambulatory health care facilities. NFPA 101, Life Safety Code, ~~2000~~ 2012 edition, Chapter 21, is adopted by reference as the fire safety rules for existing ambulatory health care facilities, with the following amendments:

Section 21.2.9.1 is not effective prior to March 13, 2006.

205.20(3) Alcohol-based hand rub dispensers. Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, an ambulatory health care facility may place alcohol-based hand rub dispensers in its facility if:

~~a.—Use of alcohol-based hand rub dispensers does not conflict with a local code that prohibits or otherwise restricts the placement of alcohol-based hand rub dispensers in health care facilities;~~

~~b.—The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;~~

~~c.—The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and~~

~~d.—The dispensers are installed in accordance with the following provisions:~~

~~(1) Where dispensers are installed in a corridor, the corridor shall have a minimum width of 6 ft (1.8 m);~~

~~(2) The maximum individual dispenser fluid capacity shall be:~~

~~1.—0.3 gallons (1.2 liters) for dispensers in rooms, corridors, and areas open to corridors;~~

~~2.—0.5 gallons (2.0 liters) for dispensers in suites of rooms;~~

~~(3) The dispensers shall have a minimum horizontal spacing of 4 ft (1.2 m) from each other;~~

~~(4) Not more than an aggregate 10 gallons (37.8 liters) of alcohol-based hand rub solution shall be in use in a single smoke compartment outside of a storage cabinet;~~

~~(5) Storage of quantities greater than 5 gallons (18.9 liters) in a single smoke compartment shall meet the requirements of NFPA 30, Flammable and Combustible Liquids Code;~~

~~(6) The dispensers shall not be installed over or directly adjacent to an ignition source; and~~

~~(7) In locations with carpeted floor coverings, dispensers installed directly over carpeted surfaces shall be permitted only in sprinklered smoke compartments.~~

ITEM 6. Amend rule 661—205.25(100) as follows:

661—205.25(100) Religious nonmedical health care institutions.

205.25(1) *New religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 18, is adopted by reference as the fire safety rules for new religious nonmedical health care institutions.

205.25(2) *Existing religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2000 2012 edition, Chapter 19, is adopted by reference as the fire safety rules for existing religious nonmedical health care institutions, with the following amendments:

Section 19.2.9 is not effective prior to March 13, 2006.

Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.

205.25(3) *Alcohol-based hand rub dispensers.* Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a religious nonmedical health care institution may place alcohol-based hand rub dispensers in its facility if:

a.—Use of alcohol-based hand rub dispensers does not conflict with a local code that prohibits or otherwise restricts the placement of alcohol-based hand rub dispensers in health care facilities;

b.—The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;

c.—The dispensers are installed in a manner that adequately protects against access by vulnerable populations; and

d.—The dispensers are installed in accordance with Section 18.3.2.7 or Section 19.3.2.7 of the 2000 edition of the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00-1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004.